

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PALACE SKATEBOARDS GROUP, <i>et al.</i> ,	:
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	Plaintiffs, :
	:
-v -	1:21-cv-3951-GHW
	:
AIMEEY, <i>et al.</i> ,	:
	:
	Defendants. :
	:
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GREGORY H. WOODS, United States District Judge:

Plaintiffs' application for an order to show cause for default judgment is pending before the Court. Dkt. Nos. 34, 35, 36, 37. The Court solicited, and received, the disinterested legal advice from *amici curiae* on whether Chinese law permits service by foreign parties in litigation on Chinese defendants by electronic means. Dkt. Nos. 38, 48, 53. Plaintiffs responded to the *amici* submission. Dkt. No. 52.

Since then, the Court has issued an order in *Smart Study Co. Ltd. v. HAPPY PARTY-001*, denying a motion for default judgment for failure to properly serve defendants, on the basis that service by email on defendants located in China is not permitted by the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial matters or the Federal Rules of Civil Procedure. No. 21-cv-5860, slip op. (S.D.N.Y. July 21, 2022), ECF No. 100. During an October 25, 2023 conference in the same matter, the Court indicated that it is prepared to grant default judgment against certain defendants but not others based on this prior ruling. Both sets of Plaintiffs in *Smart Study* and this matter bring claims against defendants located in China and are represented by the same counsel. *See* Dkt. No. 38, at 2–3 (noting this similarity).

Accordingly, Plaintiffs are directed to submit a letter by November 14, 2023 advising the

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Court of whether and how they intend to proceed in this matter in light of the Court's recent decisions in *Smart Study*.

SO ORDERED.

Dated: November 6, 2023  
New York, New York

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GREGORY H. WOODS  
United States District Judge